

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:01-CR-00122-F1

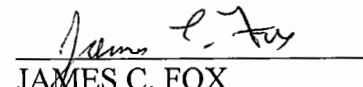
UNITED STATES OF AMERICA)
v.) ORDER
HARVEY TYRIK ROBINSON)

This matter is before the court *sua sponte*. Defendant Harvey Tyrik Robinson is scheduled to be re-sentenced by this court on July 13, 2016 following his successful Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. The United States Probation Office (“USPO”) has submitted a revised Presentence Investigation Report (“PSR”), detailing the defendant’s revised offense level, criminal history category, and guidelines imprisonment range.

The USPO indicates that both the defendant and the government object to the USPO's assessment of whether the defendant's prior convictions for Larceny from the Person and Common Law Robbery qualify as crimes of violence, as that term is defined by the U.S. Sentencing Guidelines. The court is resolved that briefing from the parties on this issue would be beneficial. Accordingly, each of the parties is DIRECTED to file a memorandum outlining its position as to (1) which of defendant's prior convictions qualify as crimes of violence, and (2) the defendant's properly calculated guidelines imprisonment range no later than Tuesday,

SO ORDERED.

This the 7th day of July, 2016.



JAMES C. FOX
Senior U.S. District Judge